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LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER HENNING, MATTHEW T	
			ART UNIT 2131	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/914,297

Applicant(s)

SHEN-ORR ET AL.

Examiner

MATTHEW T. HENNING

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 84-90,92-112,124-140,166-180,187 and 188 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 84-90,92-112,124-140,166-180,187 and 188 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/14/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

1           This action is in response to the communication filed on 11/27/2007.

2                           **DETAILED ACTION**

3                           *Response to Arguments*

4           Applicant's arguments filed 1/27/2007 have been fully considered but they are not  
5     persuasive.

6           Applicants' arguments with respect to the prior art rejection of claim 105 and its  
7     dependant claims have been considered but are moot in view of the new ground(s) of rejection.

8           The examiner notes that although the applicants have chosen to use the phraseology  
9     "PECM" or personal ECM, there is no functional language claimed that requires that the PECM  
10    be anything other than data that is specific to the end user device, and is sufficient to enable said  
11    end user device to play back the content. If the applicants wish for the claimed PECM to be  
12    functionally equivalent to an ECM as known in the art rather than an EMM or other data type as  
13    known in the art, the applicants should claim this functionality.

14          Regarding applicants' argument with respect to the combination of Maillard and Saito,  
15    the examiner does not find the argument persuasive. Applicants have argued that because  
16    Maillard teaches that in the system the previous EMM must be present to allow acceptance of the  
17    current EMM, while Saito teaches that an unauthorized user can contact the control center to  
18    receive authorization and a decryption key, and thus because in Maillard the EMM is  
19    automatically sent to an authorized user, while in Saito the user contacts the control center to  
20    receive the authorization and key (EMM), the two in combination would be inoperable.  
21    According to this logic by the applicant, no new subscribers could ever be granted authorization.  
22    One of ordinary skill in the art would recognize that in the combination of Maillard and Saito,

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1 the one requesting authorization is equivalent to a new subscriber, and as such would be handled  
2 accordingly. Therefore, the examiner does not find the argument persuasive.

3 All objections and rejections not presented below have been withdrawn.

4 Claims 84-90, 92-112, 124-140, 166-180, and 187-188 have been examined.

5 ***Information Disclosure Statement***

6 The information disclosure statement(s) (IDS) submitted on 11/14/2007 is in compliance  
7 with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information  
8 disclosure statements.

9  
10 ***Claim Rejections - 35 USC § 103***

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12 obviousness rejections set forth in this Office action:

13 *A patent may not be obtained though the invention is not identically disclosed or*  
14 *described as set forth in section 102 of this title, if the differences between the subject matter*  
15 *sought to be patented and the prior art are such that the subject matter as a whole would have*  
16 *been obvious at the time the invention was made to a person having ordinary skill in the art to*  
17 *which said subject matter pertains. Patentability shall not be negated by the manner in which*  
18 *the invention was made.*  
19

20 Claims 84-90, 92-104, 111-112, 124-140, 166-170, and 176-180 are rejected under 35  
21 U.S.C. 103(a) as being unpatentable over Maillard (US Patent Number 6,393,562), and further in  
22 view of Saito et al. (US Patent Number 6,069,952) hereinafter referred to as Saito.

23 Regarding claim 84, Maillard disclosed A method for flexible and secure transmission of  
24 digital content to a first end user device (See Maillard Col. 4 Lines 45-67), the method  
25 comprising: providing a control center for controlling access to the digital content by the first

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1 end user device (See Maillard Col. 5 Paragraph 1 Conditional Access System 3000); and  
2 transmitting scrambled digital content and an original entitlement control message to the first end  
3 user device, the original ECM controlling, at least in part, access to the scrambled digital content  
4 by the first end user device (See Maillard Background of the invention), but Maillard failed to  
5 disclose transmitting scrambled digital content to the second end user device by the first end user  
6 device, such that said second end user device cannot play back said scrambled digital content;  
7 connecting said second end user device to said control center; and transmitting a permission  
8 message to said second end user device by said control center, such that said second end user  
9 device is able to unscramble said scrambled digital content to form unscrambled digital content.  
10 However Maillard did disclosed connecting said first end user device to said control center (See  
11 Maillard Col. 5 Paragraph 1); and transmitting a permission message (EMM) to said first end  
12 user device by said control center, such that said first end user device is able to unscramble said  
13 scrambled digital content to form unscrambled digital content (See Maillard Background of the  
14 Invention Paragraph 1).

15 Maillard further failed to disclose that the original ECM was embedded with the  
16 scrambled digital content. However, as evidenced by the instant specification page 2 final  
17 paragraph, it was well known for the original ECMs to be embedded with the content, and as  
18 such it would have been obvious to the ordinary person skilled in the art at the time of invention  
19 to have done so.

20 Saito teaches that in a content distribution system, an authorized user can send encrypted  
21 content to an unauthorized user, at which point the unauthorized user can contact a control center

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1 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6  
2 Line 63).

3 It would have been obvious to the ordinary person skilled in the art at the time of  
4 invention to employ the teachings of Saito in the content distribution system of Maillard by  
5 transmitting scrambled digital content to the second end user device by the first end user device,  
6 such that said second end user device cannot play back said scrambled digital content;  
7 connecting said second end user device to said control center (conditional access system 3000);  
8 and transmitting a permission message to said second end user device by said control center  
9 (EMM), such that said second end user device is able to unscramble said scrambled digital  
10 content to form unscrambled digital content. This would have been obvious because the  
11 ordinary person skilled in the art would have been motivated to allow more flexible content  
12 distribution through “peer-to-peer” transfer, while maintaining access control to the copyrighted  
13 data.

14 Regarding claim 124, Maillard disclosed receiving scrambled digital content by a first  
15 end user device, the scrambled digital content comprising at least an entitlement control message  
16 (ECM) and playable content (See Maillard Col. 4 Last Paragraph and Background of the  
17 Invention First Paragraph); receiving a permission message for unscrambling said scrambled  
18 digital content by said first end user device, the permission message comprising an entitlement to  
19 unscramble the scrambled digital content according to the ECM (See Maillard Col. 3 Lines 46-  
20 55), but Maillard failed to disclose transferring said scrambled digital content and the ECM  
21 directly from said first end user device to a second end user device; and unscrambling said

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1 scrambled digital content by said second end user device according to the ECM only after said  
2 permission message is activated for said second end user device.

3 Maillard further failed to disclose that the original ECM was embedded with the  
4 scrambled digital content. However, as evidenced by the instant specification page 2 final  
5 paragraph, it was well known for the original ECMs to be embedded with the content, and as  
6 such it would have been obvious to the ordinary person skilled in the art at the time of invention  
7 to have done so.

8 Saito teaches that in a content distribution system, an authorized user can send encrypted  
9 content to an unauthorized user, at which point the unauthorized user can contact a control center  
10 to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6  
11 Line 63).

12 It would have been obvious to the ordinary person skilled in the art at the time of  
13 invention to employ the teachings of Saito in the content distribution system of Maillard by  
14 transferring said scrambled digital content and the ECM directly from said first end user device  
15 to a second end user device; and unscrambling said scrambled digital content by said second end  
16 user device according to the ECM only after said permission message is activated for said second  
17 end user device. This would have been obvious because the ordinary person skilled in the art  
18 would have been motivated to allow more flexible content distribution through “peer-to-peer”  
19 transfer, while maintaining access control to the copyrighted data.

20 Regarding claim 85, the combination of Maillard and Saito disclosed transmitting a first  
21 set of information for decoding said scrambled digital content to said second end user device;  
22 and permitting said second end user device to access said first set of information only if said

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1 permission message is given to said second end user device (See the rejection of claim 106  
2 above).

3 Regarding claim 86, the combination of Maillard and Saito disclosed that the first set of  
4 information is distributed with said scrambled digital content (See Maillard Col. 2 Lines 49-57).

5 Regarding claim 87, the combination of Maillard and Saito disclosed that the first set of  
6 information is distributed by said control center (See the rejection of claim 107 above).

7 Regarding claim 88, the combination of Maillard and Saito disclosed that transmitting  
8 said scrambled digital content includes contacting said control center by said second end user  
9 device to receive said permission message (See the rejection of claim 84 above).

10 Regarding claim 89, the combination of Maillard and Saito disclosed that said first set of  
11 information includes an address of said control center (See Maillard Col. 5 Lines 45-59).

12 Regarding claim 90, the combination of Maillard and Saito disclosed that said first set of  
13 information enables said unscrambled digital content to be permanently stored by said second  
14 end user device (See Maillard Col. 5 Paragraph 1).

15 Regarding claims 92-95, and 126-129, the combination of Maillard and Saito disclosed  
16 that said first and said second end user devices belong to a group of a plurality of end user  
17 devices, such that said permission message is sent to each end user device belonging to said  
18 group (See Maillard Col. 2 Lines 40-48); wherein membership in said group is at least partially  
19 determined according to communication between said end user devices (See Maillard Col. 2  
20 Lines 40-48); wherein transmitting said permission message further comprises transmitting a  
21 token from said first end user device to said second end user device, for including said first and  
22 said second end user devices in said group (See the rejection of claim 84 above and Saito Col. 6



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1 Lines 31-38); wherein transmitting said token is performed repeatedly for the plurality of end  
2 user devices in the group until a limit is reached (See the rejection of claim 84 above and Col. 14  
3 Lines 13-16).

4       Regarding claims 96-97, and 130-131, the combination of Maillard and Saito disclosed  
5 that said limit is determined according to a number of end user devices in the group, such that if  
6 said number of end user devices exceeds a maximum permitted number, transmitting said  
7 scrambled digital content and transmitting said permission message are not performed for an  
8 additional end user device (See Saito Col. 14 Lines 13-16 and Col. 6 Lines 49-56); and wherein  
9 said limit is determined according to at least one reasonableness rule (See Saito Col. 14 Lines  
10 13-16).

11       Regarding claims 98, and 132, the combination of Maillard and Saito disclosed that said  
12 limit is determined according to at least one reasonableness rule and wherein said at least one  
13 reasonableness rule restricts a number of copies of said scrambled digital content operable with  
14 said token (See Saito Col. 6 Lines 9-10 and 49-56 and Col. 14 Lines 13-16).

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1           Regarding claims 99, and 133, the combination of Maillard and Saito disclosed that when  
2 the limit is reached, at least one of transmitting said scrambled digital content and transmitting  
3 said permission message is not performed (See Saito Col. 6 Lines 9-10 and 49-56).

4           Regarding claims 100, and 134, the combination of Maillard and Saito disclosed that at  
5 least one reasonableness rule requires at least said first end user device to wait for a  
6 predetermined period before transferring said scrambled digital content to an additional end user  
7 device in the group (See Saito Col. 5 Line 66 - Col. 6 Line 17).

8           Regarding claims 101, and 135, the combination of Maillard and Saito disclosed that the  
9 wait period was greater for a second user than a first user (See Saito Col. 6 Line 11 – Col. 7 Line  
10 31).that the wait period was greater for a second user than a first user (See Saito Col. 6 Line 11 –  
11 Col. 7 Line 31).

12           Regarding claims 102-103, and 136-137, the combination of Maillard and Saito disclosed  
13 that the period was at partially determined according to a period of time and operation a  
14 minimum number of times (See Saito Col. 5 Line 66 – Col. 6 Line 62).

15           Regarding claim 104, the combination of Maillard and Saito disclosed that membership  
16 in said group is at least partially determined according to said control center, such that if said  
17 group has more than a predetermined number of end user devices as members, said control  
18 center blocks receipt of said permission message by members of said group (See Saito Col. 14  
19 Lines 13-16 and the rejection of claim 84 above).

20           Regarding claim 125, the combination of Maillard and Saito that at least said second end  
21 user device is in communication with a control center and said permission message is activated  
22 for said second end user device by said control center (See the rejection of claim 124 above).

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1           Regarding claim 138, the combination of Maillard and Saito that membership in said  
2 group is at least partially determined according to said control center, such that if said group has  
3 more than a predetermined number of end user devices as members, said control center blocks  
4 receipt of said permission message by members of said group (See Saito Col. 6 Lines 9-10 and  
5 49-56, and Col. 14 Lines 13-16).

6           Regarding claim 139, the combination of Maillard and Saito disclosed transmitting said  
7 scrambled digital content with said ECM from a first end user device to a second end user device  
8 (See the Rejection of claim 84 above); receiving a specific PECM by said second end user device  
9 from said control center (See the Rejection of claim 84 above); and unscrambling said scrambled  
10 digital content by said second end user device only after receiving said specific PECM (See the  
11 Rejection of claim 84 above), wherein receiving said specific PECM by said second end user  
12 device includes: transmitting payment to said control center (See Maillard Col. 6 Paragraph 2);  
13 and transmitting said PECM by said control center only after receiving payment (See Maillard  
14 Col. 6 Paragraph 2).

15           Regarding claim 140, the combination of Maillard and Saito disclosed that said  
16 permission message is operative only by said first end user device, such that if said permission  
17 message is transferred to said second end user device by said first end user device, said  
18 permission message cannot be used by said second end user device (See Maillard Col. 2 Lines  
19 40-48).

20           Regarding claims 166, and 176, Maillard and Saito disclosed that the ECM remains  
21 embedded in the digital content after the receipt of the PECM at the second end user device (See  
22 Maillard Background of the Invention Paragraph 1).

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1           Regarding claims 167-168, and 177-178, Maillard and Saito disclosed that the ECM  
2 comprises an address for a network control center, the network control center being the network  
3 control center the second end user device must contact in order to receive a permission message  
4 to unscramble the scrambled digital content and that the permission message comprises a PECM  
5 (personalized ECM) (See Maillard Col. 5 Lines 45-59).

6           Regarding claims 169-170, and 179-180, Maillard and Saito disclosed that the ECM  
7 comprises at an indication that the scrambled digital content comprises purchasable content (See  
8 Maillard Col. 5 Paragraph 1); a unique identifier for the scrambled digital content (See Maillard  
9 Col. 2 Lines 49-57); and a conditional access service identifier for a group which is allowed to  
10 purchase the scrambled digital content (See Maillard Col. 2 Lines 49-57), and that the ECM  
11 further comprises at least one of: a base price for the scrambled digital content; an indication of  
12 rental duration for the digital content; a price for extending rental duration; an indication of a  
13 number of renderings of the digital content; and a price for outright ownership of the digital  
14 content (See Maillard Col. 3 Last Paragraph).

15           Claims 105-110, 171-175 and 187-188 are rejected under 35 U.S.C. 103(a) as being  
16 unpatentable over Maillard (Patent Number 6,393,562), and further in view of Candelore (US  
17 Patent Number 7,039,614).

18           Regarding claim 105, Maillard disclosed a method for securing digital content for  
19 transmission to an end user device, comprising: providing a control center for controlling access  
20 to the digital content by the end user device (See Maillard Col. 5 Paragraph 1 Conditional Access  
21 System 3000); transmitting from said control center to said end user device an entitlement  
22 message (EMM) (See Maillard Col. 3 Lines 46-55); transmitting scrambled digital content and

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1 an original entitlement control message (ECM) to the end user and playable content, the original  
2 ECM controlling, at least in part, access to the scrambled digital content, said ECM and EMM  
3 together being sufficient to enable said end user device to play back said scrambled digital  
4 content (See Maillard Col. 2 Lines 42-57); and that said ECM is valid for a limited period of  
5 time (See Maillard Col. 3 Lines 15-45); but Maillard failed to specifically disclose transmitting a  
6 PECM to the end user device by said control center, said PECM being specific to the end user  
7 device, said PECM being sufficient to enable said end user device to play back said scrambled  
8 digital content; or unscrambling said scrambled digital content by the end user device by  
9 employing said PECM; or that the PECM is distributed individually to said first end user device;  
10 or that the PECM is more permanently valid than said ECM.

11 Maillard further failed to disclose that the original ECM was embedded with the  
12 scrambled digital content, that the ECM is broadcast to a multiplicity of end user devices  
13 comprising said first end user device. However, as evidenced by the instant specification page 2  
14 final paragraph, it was well known for the original ECMs to be embedded with the content and  
15 broadcast to a multiplicity of end user devices, and as such it would have been obvious to the  
16 ordinary person skilled in the art at the time of invention to have done so.

17 Candelore teaches that in a conditional access system employing ECMs and EMMs, that  
18 in order to allow for an access unit (player) to play the scrambled content at a later time (more  
19 permanently) a re-scrambler unit should be employed, which receives a local key unique to the  
20 receiver, the local key being delivered in an EMM (PECM). The re-scrambler unit then re-  
21 scrambles the code words used to encrypt the content using the local key in the EMM (PECM),

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1 thereby allowing the code words to be retrieved at a later time for descrambling the scrambled  
2 content. (See Candelore Col. 7 Line 40 - Col. 8 Line 37).

3 It would have been obvious to the ordinary person skilled in the art at the time of  
4 invention to employ the teachings of Candelore in the conditional access system of Maillard by  
5 providing a re-scrambling key to the end user device through an EMM (PECM), and the end user  
6 device re-scrambling the code words generated from the use of the ECM's of the content and the  
7 monthly EMM, thereby allowing the end user device to access the scrambled content using the  
8 EMM containing the re-scrambling key by de-scrambling the re-scrambled code words, which  
9 are used to descramble the scrambled content. This would have been obvious because the  
10 ordinary person skilled in the art would have been motivated to enable "time shift" copy  
11 protected content, thereby allowing the end user device to descramble the content at a later time.

12 Regarding claim 106, Maillard and Candelore disclosed that transmitting said PECM  
13 further comprises: transmitting a first set of information in an ECM (entitlement control  
14 message) for decoding said scrambled digital content to the end user device (See Maillard  
15 Background of the Invention); permitting the end user device to access said first set of  
16 information only if an entitlement management message (EMM) is given to the end user device  
17 and said EMM indicates that the end user device is permitted to use said ECM (See Maillard Col.  
18 6 Paragraph 1); and unscrambling said scrambled digital content by the end user device  
19 according to said first set of information (See Maillard Col. 6 Paragraph 1).

20 Regarding claim 107, Maillard and Candelore disclosed that said EMM is transmitted by  
21 said control center (See Maillard Col. 2 Lines 42-48 and Col. 5 Paragraphs 1-2).

1           Regarding claim 108, Maillard and Candelore disclosed replacing said ECM with said  
2   PECM for unscrambling said scrambled digital content by the end user device (See Candelore  
3   Col. 7 Paragraph 5).

4           Regarding claim 109, Maillard and Candelore disclosed that said first set of information  
5   includes at least one instruction for generating a code word, such that permitting the end user  
6   device to access said first set of information includes: generating said code word according to  
7   said at least one instruction; and unscrambling said scrambled digital content according to said  
8   code word (See Maillard Col. 2 Lines 49-57).

9           Regarding claim 110, Maillard and Candelore disclosed permanently associating said  
10   PECM with said scrambled digital content to permit unscrambling of said scrambled digital  
11   content by the end user device (See Candelore Col. 7 Line 40 – Col. 8 Line 15).

12           Regarding claim 171, Maillard and Candelore disclosed that the ECM remains embedded  
13   in the digital content after the receipt of the PECM at the second end user device (See Maillard  
14   Background of the Invention Paragraph 1).

15           Regarding claims 172-173, Maillard and Candelore disclosed that the ECM comprises an  
16   address for a network control center, the network control center being the network control center  
17   the end user device must contact in order to receive a permission message to unscramble the  
18   scrambled digital content and that the permission message comprises a PECM (personalized  
19   ECM) (See Maillard Col. 5 Lines 45-59).

20           Regarding claims 174-175, Maillard and Candelore disclosed that the ECM comprises at  
21   an indication that the scrambled digital content comprises purchasable content (See Maillard Col.  
22   5 Paragraph 1); a unique identifier for the scrambled digital content (See Maillard Col. 2 Lines

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1 49-57); and a conditional access service identifier for a group which is allowed to purchase the  
2 scrambled digital content (See Maillard Col. 2 Lines 49-57), and that the ECM further comprises  
3 at least one of: a base price for the scrambled digital content; an indication of rental duration for  
4 the digital content; a price for extending rental duration; an indication of a number of renderings  
5 of the digital content; and a price for outright ownership of the digital content (See Maillard Col.  
6 3 Last Paragraph).

7 Regarding claim 187, Maillard and Candelore disclosed that said PECM replaces said  
8 ECM (See Candelore Col. 7 Paragraph 5 - Col. 8 Paragraph 1).

9 Regarding claim 188, Maillard and Candelore disclosed that said original ECM and said  
10 EMM together are sufficient for generating a key for decrypting said scrambled digital content  
11 (See Maillard Col. 2 Lines 42-57).

12 Claims 111-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
13 Maillard and Candelore, and further in view of Saito.

14 Regarding claims 111-112, Maillard and Candelore disclosed distributing content to a  
15 first end user and transmitting payment to said control center; and transmitting said PECM by  
16 said control center only after receiving payment (See Maillard Col. 6 Paragraph 2) but Maillard  
17 failed to disclose transmitting scrambled digital content to the second end user device by the first  
18 end user device, such that said second end user device cannot play back said scrambled digital  
19 content; connecting said second end user device to said control center; and transmitting a  
20 permission message to said second end user device by said control center, such that said second  
21 end user device is able to unscramble said scrambled digital content to form unscrambled digital  
22 content. However Maillard did disclosed connecting said first end user device to said control



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center (See Maillard Col. 5 Paragraph 1); and transmitting a permission message (EMM) to said first end user device by said control center, such that said first end user device is able to unscramble said scrambled digital content to form unscrambled digital content (See Maillard Background of the Invention Paragraph 1).

Saito teaches that in a content distribution system, an authorized user can send encrypted content to an unauthorized user, at which point the unauthorized user can contact a control center to receive authorization and a decryption key for the content (See Saito Col. 5 Line 20 – Col. 6 Line 63).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Saito in the content distribution system of Maillard and Candelore by transmitting scrambled digital content to the second end user device by the first end user device, such that said second end user device cannot play back said scrambled digital content; connecting said second end user device to said control center (conditional access system 3000); and transmitting a permission message to said second end user device by said control center (EMM), such that said second end user device is able to unscramble said scrambled digital content to form unscrambled digital content. This would have been obvious because the ordinary person skilled in the art would have been motivated to allow more flexible content distribution through “peer-to-peer” transfer, while maintaining access control to the copyrighted data.

### *Conclusion*

Claims 84-90, 92-112, 124-140, 166-180, and 187-188 have been rejected.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW T. HENNING whose telephone number is (571)272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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1 Information regarding the status of an application may be obtained from the Patent  
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17 Assistant Patent Examiner  
18 Art Unit 2131  
19 2/12/2008

  
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TECHNOLOGY CENTER 2100